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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/488,345	01/20/2000	Evgeniy M. Getsin	68617/8017	4291
22342 7590 01/22/2009 FITCH EVEN TABIN AND FLANNERY 120 SOUTH LA SALLE STREET SUITE 1600 CHICAGO, IL 60603-3406				
EXAMINER				
RAMAN, USHA				
ART UNIT		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

09/488,345

**Applicant(s)**

GETSIN ET AL.

**Examiner**

USHA RAMAN

**Art Unit**

2424

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Response to Arguments***

1. Applicant's arguments filed March 9<sup>th</sup>, 2007 have been fully considered but they are not persuasive.

Applicant argues (see Remarks, page 6) that, Kinney et al. does not teach a method, "wherein only the host can transmit the information to the memory storage device". Examiner however respectfully disagrees. For example, Kinney discloses transmitting user events that are effected in a local system (in the rejection exemplified as playback system 1), and subsequently effected in devices remote to the playback system 1. As such (1) reads on the host, that transmits user events (information) to the memory storage device utilizing the network for allowing simultaneous playback on each of the client devices. Furthermore, only the device local to the user (i.e. initiator of user events) transmits the events to remote playback systems for synchronization with the local device.

Claim 1 has been additionally rejected in the alternative over Kinney. In this alternative view, it is noted that when joining sessions, only a "master" can synchronize other devices initially upon joining the presentation. The master sends a seek and play event in response to a Hello request. Accordingly the only the master can transmit information (seek and play events in response to hello) to the memory storage device for an initial synchronization of each participant joining the session (i.e. client), thereby allowing simultaneous playback of the event on each of the client apparatuses.

Examiner therefore submits that the broad limitations presented in claim 1 fail to overcome the rejection. For these reasons stated above, the rejection has been maintained.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Kinney et al. (US Pat. 5,808,662).

As to claim 1, Kinney discloses a method of synchronizing an event on a plurality of client apparatuses comprising the step of:

Providing an event (movie data) stored in a memory storage device (media file 115); see column 3 lines 41-49

Connecting the client apparatuses (e.g. Playback System 2...n) to a host computer (e.g. Playback System 1) to a network (column 3, lines 16-21);

Kinney discloses that local user events can be generated by participant of playback system 1, that is transmitted to remote playback systems (see steps 232, 244, 252) for allowing simultaneously playback. See column 7 lines 19-25, and lines 49-54. This reads on the "transmitting information from the host computer to the memory storage device utilizing the network for allowing simultaneous playback on each of the client apparatuses". When the event is a user event, (i.e. generated

locally at 1), the event is effected at the local playback system and then effected at the remote locations (e.g. column 7 lines 19-22). Therefore the local events can only be transmitted by the initiator of the local event (playback system 1) to the memory storage device to control the simultaneous playback. See column 7 lines 8-11.

As to claim 2, Kinney further discloses wherein the event (movie) further includes audio and video presentation (see column 3 lines 5-6).

With regards to claim 3, Kinney further discloses wherein the event is a movie (see column 2 lines 66-67).

With regards to claim 4, Kinney further discloses wherein the network is a WAN (see column 3 lines 19-21).

With regards to claim 6, Kinney further discloses wherein the information includes an ending time when the playback of the event is to end on each of the client apparatuses (see steps 242, 244, fig. 2B, column 7, lines 34-43).

With regards to claim 9, Kinney further discloses network events that are generated by remote participants (e.g. participant 2) and received by the host (e.g. participant 1) and the host (1) altering playback based on the input (steps 248, 256).

*Claim 1 is additionally rejected in the alternative over Kinney as below:*

As to claim 1, Kinney discloses a method of synchronizing an event on a plurality of client apparatuses comprising the step of:

Providing an event (movie data) stored in a memory storage device (media file 115); see column 3 lines 41-49

Connecting the client apparatuses to a host computer ("master") to a network (column 3, lines 16-21);

In the event a user wants to join a movie playback session, a "Hello" event is transmitted by the participant and the master responds to the "hello" event (see column 8, lines 13-14). The master responds to the "hello" event by sending a "seek" event and a "play" event so that the requesting participant can be synchronized with the current viewing by other viewers. See column 6 lines 57-67. Accordingly the only the master can transmit information (seek and play events in response to hello) to the memory storage device for an initial synchronization of each participant joining the session (i.e. client), thereby allowing simultaneous playback of the event on each of the client apparatuses.

With regards to claim 5, Kinney further discloses wherein the information includes a start time when the playback of the event is to begin on each of the client apparatuses (seek event in response to a hello event determines start time of the presentation on the client, see column 8 lines 9-18)

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7 and 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Kinney et al. (US Pat. 5,808,662).

With regards to claim 7, Kinney discloses that the media file 115 is a storage that contains enough memory to store a movie (see column 3 lines 42-43). Kinney discloses that media file 115 may take many forms including CD ROM, hard disk, an optical disk, etc., however fails to specifically disclose a DVD. Examiner takes Official Notice that it was notoriously well known in the art at the time of the invention to distribute media using digital video discs for the purpose of providing higher quality images on a medium capable of storing larger quantities of data. Therefore the examiner submits that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Kinney et al. media file accordingly for the stated advantages.

With regards to claim 8, the system as modified in claim 7 comprises a DVD memory storage device. Kinney further discloses the step of synchronizing seek events generated based on user commands at the local play back system with remote users. (see steps 232, 244). Kinney however does not specifically disclose a seek command including chapter information associated with the DVD. Examiner takes Official Notice that it was notoriously well known in the art to jump certain portions of a DVD using chapter information for the purpose of providing a readily available method for facilitating seek operations in a media file. Therefore the

examiner it would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system to seek the stated advantages.

6. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kinney et al. (US Pat. 5,808,662) in view of LaJoie et al. (US Pat. 5,850,218).

With regards to claim 20, Kinney discloses transmitting information to a joining client apparatus as discussed in claim 1 above. Kinney does not disclose wherein the information also includes a history of the simultaneous playback.

In an analogous art, LaJoie discloses transmission of history information from a host apparatus, comprising a running time and elapsed time (column 5 lines 15-22, lines 64-column 6 lines 3, column 10 lines 20-34). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kinney transmitted information to joining client apparatuses with the LaJoie et al. history information for the purpose of informing the user how much of the synchronized playback event he/she has missed.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory



period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to USHA RAMAN whose telephone number is (571)272-7380. The examiner can normally be reached on Tue-Fri: 8am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Son P Huynh/  
Primary Examiner, Art Unit 2424  
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January 19, 2009